IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M.H.S. ANSARI

and
THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

WRIT PETITION NO: 24906 of 2004

Between:

The Puganur Town Houses, Land and Water Tax Payers Association,
Punganur, Chittor District Rep. by its President Sri G. Krishna Reddy
S/o Rami Reddy , Hindu, aged 48 yrs, R/o Punganur, Chittoor District.

... PETITIONER

AND

1. The Director of Municipal Administration,
Municipal Administration Deportment,
Government of A.P., Hyderabad.
2. The Punganur Municipality, Rep. by its Commissioner,
Punganuru, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a suitable writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the
2nd Respondent in enhancing the property tax indiscriminately without adhering to the norms given in G.O.Ms.No.154 dt.08/04/2002 and G.O.Ms.No.167 dt.18/04/2002 and order of this Hon'ble Court in batch of writ petitions dt.22/10/2002 as illegal, arbitrary and violative of principles of natural justice and direct the 2nd Respondent to revise the property tax strictly adhering to G.O.Ms.No.154 dt.08/04/2002 and G.O.Ms.No.167
dt.18/04/2002 and issue fresh demand notices with revised property tax.

Counsel for the Petitioner: SMT. S. A. V. RATNAM

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEVELOPMENT.

Counsel for the Respondent No.2: Standing counsel for Municipality

The Court made the following:

ORDER:(per Hon'ble Sri Justice M. H. S. Ansari)

By order dated 22-10-2002 a batch of writ petitions including one by the present petitioner-association, being W.P.No.12022 of 2002, were disposed of. In that writ petition Mandamus was sought for declaring the Rules framed under the G.O.Ms.No.438 dated 29-10-1990 and notification dated 08-02-2002 and final notification No.30 of 2002 dated 01-03-2002, as illegal.

2. By its aforesaid order Division Bench dismissed the said batch of writ petitions. It was, however, observed therein as under:

> "However, for individual grievances, remedies are provided under the Act, which could be availed of in such cases. Further, in the counters filed by respondents it has been categorically stated that the enhancement in the property tax would be restricted as per the two G.Os. viz., G.O.Ms.No.154, dated 08-04-2002 and G.O.Ms.No.167, dated 18-04-2002. In view of those two Government Orders, we think the petitioners need not agitate that the increase of property tax is abnormal."

3. In the instant writ petition the contention is that the enhancement of property tax is made indiscriminately without adhering to the norms prescribed in the aforesaid G.O.Ms.Nos.154 and 167.

4. As already held by the Court in the passage from that judgment extracted supra for individual grievances remedies are provided under the Act, which can be availed of by the aggrieved party.

5. We are, accordingly, not inclined for the said reason to entertain the writ petition. The same is dismissed with liberty to the petitioner to avail of the remedies open to it under the statute in accordance with law.

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M. H. S. ANSARI, J

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T. CH. SURYA RAO, J

Dt.18-01-2005

Glv/skmr

Copy to:

1. The Director of Municipal Administration,
Municipal Administration Deportment,
Government of A.P., Hyderabad.
2. The Punganur Municipality, Rep. by its Commissioner,
Punganuru, Chittoor District.
3. Two CCs to the Government Pleader for Municipal Administration &
Urban Development, HighCourt Buildings, Hyderabad. (OUT).
4. Two CD copies